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SERIAL NUMBER 077739-014	FILING DATE 07/31/91	FIRST NAMED INVENTOR YAMAMOTO J	ATTORNEY DOCKET NO. 2307U-237-37
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BARND, D. EXAMINER

ART UNIT 1813	PAPER NUMBER 3
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DATE MAILED: 11/04/91

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

☐ This application has been examined ☐ Responsive to communication filed on _____ ☐ This action is made final.

A shortened statutory period for response to this action is set to expire 0 month(s), 30 days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned: 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

1. ☐ Notice of References Cited by Examiner, PTO-892.
2. ☐ Notice re Patent Drawing, PTO-948.
3. ☐ Notice of Art Cited by Applicant, PTO-1449.
4. ☐ Notice of Informal Patent Application, Form PTO-152
5. ☐ Information on How to Effect Drawing Changes, PTO-1474.
6. ☐ _____

Part II SUMMARY OF ACTION

1. ☒ Claims 1-13 are pending in the application.
Of the above, claims _____ are withdrawn from consideration.
2. ☐ Claims _____ have been cancelled.
3. ☐ Claims _____ are allowed.
4. ☐ Claims _____ are rejected.
5. ☐ Claims _____ are objected to.
6. ☒ Claims 1-13 are subject to restriction or election requirement.
7. ☐ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.
8. ☐ Formal drawings are required in response to this Office action.
9. ☐ The corrected or substitute drawings have been received on _____. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable; ☐ not acceptable (see explanation or Notice re Patent Drawing, PTO-948).
10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on _____, has (have) been ☐ approved by the examiner; ☐ disapproved by the examiner (see explanation).
11. ☐ The proposed drawing correction, filed _____, has been ☐ approved; ☐ disapproved (see explanation).
12. ☐ Acknowledgement is made of the claim for priority under U.S.C. 119. The certified copy has ☐ been received ☐ not been received ☐ been filed in parent application, serial no. _____; filed on _____.
13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
14. ☐ Other

100-441000-100
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11. Reclassified to one of the following tax status categories under 26 U.S.C. 1361:

I. Class 1A, drawn to a foliar immunodeficiency virus vaccine, and a series of young and vaccine, classified in Class 12A, subclass 1A.

II. Class 1A-15, drawn to cell lines infected with foliar immunodeficiency virus, classified in Class 12A, subclass 1A-15.

12. The inventions are distinct, each from the other because of the following reasons: Inventions II and I are related to product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with neither materially different product or (2) the product as claimed can be used in a materially different process of use than that product (USPTO 200.05100). In the instant case, the product as claimed (cell lines) can be used in a materially different process (other than use in a vaccine), such as for producing large quantities of foliar immunodeficiency virus for virus purification purposes.

13. Inventions II and I are distinct for the reasons given above and have acquired a separate status in the art or shown by their different identification and divergent subject matter, together with the following purposes as indicated in the process.

14. Should applicant elect Class I, the following election of products is required:

A. A series of cell lines infected with foliar immunodeficiency virus and a series of vaccine, 2, 5, 6, and 10.

B. A series of cell lines infected with foliar immunodeficiency virus and a series of vaccine, 2, 5, 6, and 10.

C. A series of cell lines infected with foliar immunodeficiency virus and a series of vaccine, 2, 5, 6, and 10.

1. The Applicant is a citizen of the United States of America, and is a resident of the State of New York.

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20. Applicant must submit a statement of work history and a list of references. The statement of work history must be completed in compliance with 27 C.F.R. 1.491(a) if you are one of the majority of applicants in the category of "Applicants of Interest" as defined in the application. Any statement of work history must be accompanied by a statement of the position under 27 C.F.R. 1.491(b) and by the corresponding index 27 C.F.R. 1.471(a).


21. Papers related to this application may be submitted to Group 100 by facsimile transmission. Papers should be sent to Group 100 via the FTO Fax Center located in Capitol Mall. The listing of such papers must comply with the notice published in the Official Gazette, 1990 CF 20 (November 15, 1990). The FTO Fax Center telephone number is (703) 398-4327.

22. The Group and/or Art Unit location of your application in the FTO has changed. To aid in processing any papers for this application, all further correspondence regarding this application should be directed to Group Art Unit 1012.

23. Any inquiry concerning this application or candidate communication from the outside should be directed to Group 100, Room 1000 telephone number is (703) 398-3333. Any inquiry of a general nature or relating to the status of this application should be directed to the Group 100 telephone number is (703) 398-3155.

01/01/91

Christine Nucker, FTO


CHRISTINE NUCKER
PRIMARY EXAMINER
ART UNIT 1873